

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE  
2005 JAN 20 P 12:35

U.S. DISTRICT COURT  
DISTRICT OF MASS.

DENNIS EAST INTERNATIONAL, INC., )

Plaintiff, )

vs. )

ATHOME AMERICA, INC., )

Defendant. )

Civil Action No. 04-11994-RWZ

**Plaintiff's Opposition To Defendant's Motion to Dismiss**

NOW COMES the Plaintiff, DENNIS EAST INTERNATIONAL, INC., and file this Opposition to Defendant's Motion to Dismiss (Fed. R. Civ. P. 12(b)(6)) with respect to all Counts alleged in Plaintiff's Complaint and denies that (1) there are no allegations of copyright infringement based on any unregistered copyrights; (2) that Plaintiff has failed to plead all elements necessary to a claim for trade dress infringement under the Lanham Act; and (3) that Plaintiff has failed to set forth facts sufficient to support a separate claim pursuant to M.G.L. c.93A.

As support for Plaintiff's Opposition, Plaintiff files a separate Memorandum herewith.

**Request for Oral Argument**

Pursuant to Local Rule 7.1(D), Plaintiff respectfully requests oral argument on its Opposition.

Respectfully submitted,  
DENNIS EAST INTERNATIONAL, INC., Plaintiff

By: \_\_\_\_\_

G. Arthur Hyland, Jr., its attorney

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Dated: January 18, 2005